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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FABIOLA FRAGOSO, individually;

Plaintiff,

vs.

WAL-MART, INC., a foreign corporation; DOE
EMPLOYEES; DOE MANAGERS; DOES I-XX,
inclusive; and ROE CORPORATIONS I-XX,
inclusive,

Defendants.

Case No.: 2:22-cv-01507-CDS-EJY

**STIPULATION AND ORDER TO
CONTINUE BRIEFING FOR
PENDING MOTION TO COMPEL
DISCOVERY**

(FIRST REQUEST)

Plaintiff, FABIOLA FRAGOSO, and Defendant, WAL-MART, INC. (“Walmart”), by and through their respective counsel of record, hereby submit the instant Stipulation and Order to Continue Briefing for All Pending Motions (First Request) pursuant to LR IA 6-1 and IA 6-2 and LR 26-3. Specifically, the parties seek to continue the deadlines for filing responsive briefing with respect to Plaintiff’s Motion to Compel Discovery [Doc. 35], filed on May 10, 2024, response to which is due May 24, 2024. The hearing for said Motion is set for Wednesday, June 5, 2024.

I. PROCEDURAL HISTORY

This lawsuit involves allegations that Plaintiff FABIOLA FRAGOSO (hereinafter “FRAGOSO”) suffered serious injuries related to a slip and fall on Defendant’s premises. On June

30, 2022, Plaintiff filed her Complaint against Defendant WAL-MART, INC. with the Eighth Judicial District Court for Clark County, Nevada. On September 31, 2022, Defendant WAL-MART, INC. filed its Answer denying Plaintiffs' allegations and denying all liability for the injuries. On September 8, 2022, Plaintiff filed her Request for Exemption from Arbitration in which she outlined her claimed injuries and alleged damages. On September 12, 2022, Defendant WAL-MART, INC. filed its Notice of Removal and removed the matter to this Court based on diversity jurisdiction. On September 15, 2022, Defendant WAL-MART, INC. filed its Statement Regarding Removal. The parties participated in the Fed. R. Civ. P. 26(f) conference on October 12, 2022, and filed their proposed Joint Discovery Plan and Scheduling Order which was entered by this Court on October 27, 2022.

On March 25, 2024, Plaintiff conducted the deposition of Walmart's corporate representative pursuant to FRCP 30(b)(6). On May 10, 2024, Plaintiff filed her Motion to Compel Discovery.

II. BASIS FOR REQUEST

Good cause exists to continue the deadlines for responsive briefing to the Plaintiff's pending motion. The parties are diligently working to resolve their discovery dispute without need for the Court's intervention. Plaintiff is reviewing and evaluating materials recently received from Walmart and Walmart is currently confirming whether additional responsive materials exist. Additionally, the parties are preparing for private mediation, scheduled with the Honorable Jackie Glass (Ret.) to occur on July 26, 2024.

Continuation is warranted to allow the parties to focus their time, money, and resources on resolving their discovery dispute without Court intervention. Finally, no party will be prejudiced by this request as both parties agree that the additional time will allow Plaintiff to evaluate the materials already disclosed by Defendant for sufficiency, and allow Defendant to confirm the existence of any additional materials. Thus, good cause exists to continue the deadlines for responsive briefing

regarding Plaintiff's pending motion.

III. PROPOSED BRIEFING SCHEDULE

The Parties respectfully request that the deadline for filing a response to Plaintiff's Motion to Compel Discovery be extended by a period of two weeks, which is **June 7, 2024**. As this date falls after the currently scheduled June 5, 2024 hearing date, the parties respectfully request that the hearing date likewise be continued for a period of two weeks, which is **June 19, 2024**, to allow time for Plaintiff to submit a Reply brief.

This is the first request for an extension of deadlines for responsive briefing to Plaintiff's Motion to Compel Discovery in this matter. The parties submit that the reasons set forth above constitute good cause for the requested extension.

DATED this 24th day of May, 2024.

Dated this 24th day of May, 2024.

BLACKBURN WIRTH, LLP

HALL & EVANS, LLC

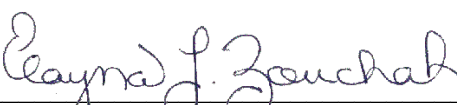
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Attorneys for Defendant

Attorneys for Plaintiff

IT IS SO ORDERED this 24th day of May, 2024



ELAYNA J. YOUCHAH
U.S. MAGISTRATE JUDGE